



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

**DEC 21 2011**

The Honorable Daniel K. Akaka  
Chairman  
Committee on Indian Affairs  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

Enclosed are responses prepared by the Bureau of Indian Affairs to the questions submitted following the June 16, 2011, oversight hearing on **"Finding Our Way Home: Achieving the Policy Goals of NAGPRA."**

Thank you for the opportunity to provide this material to the Committee.

Sincerely,

Christopher P. Salotti  
Legislative Counsel  
Office of Congressional and  
Legislative Affairs

Enclosure

cc: The Honorable John Barrasso  
Vice Chair

**SENATE COMMITTEE ON INDIAN AFFAIRS  
FOLLOW-UP QUESTIONS FOR MS. O'DELL  
OVERSIGHT HEARING – FINDING OUR WAY HOME:  
ACHIEVING THE POLICY GOALS OF NAGPRA**

**JUNE 16, 2011**

**QUESTIONS FROM SENATOR AKAKA**

On July 28, 2005, the Senate Committee on Indian Affairs held a hearing on NAGPRA which focused on an amendment to the definition of Native American. This proposed amendment was included in section 108 of S. 536 (109th Congress).

**Question:** Does the Department have a position on this proposed amendment to the NAGPRA definition of Native American?

**Response:** The Department of the Interior supports the language in section 108 of S. 536, which would amend the definition of “Native American” in the Native American Graves Protection and Repatriation Act (NAGPRA). The Department believes that “Native American,” for purposes of NAGPRA, means of, or relating to, tribes, peoples, or cultures that are indigenous to the United States regardless of whether some or all of these groups are, or are not, culturally affiliated or biologically related to present day Indian tribes, and regardless of when a particular group may have begun to reside in the area.

Importantly, amending the definition of “Native American” per section 108 will **not** necessarily mean that scientific study of ancient remains found in the United States will be prohibited. Rather, the amended definition would ensure that the **process** set forth in NAGPRA, which Congress formulated to balance the interests of science, museums, Native Americans and the public, can effectively work. The definition of “Native American” is a threshold question that determines what remains or other cultural items are subject to NAGPRA’s process. A more inclusive definition ensures that Indian tribes and Native Hawaiian organizations have access to sufficient information to participate in that process and assess whether a repatriation or disposition claim is appropriate.